MR. SPEAKER.—Is it for the Hon'ble Member to judge for himself. One thing is certain. On account of the difference in the nomenclature, it was necessary. If the Government wanted to do it by a notification, they could have done it.

MYSORE PUBLIC SERVICE COMMISSION (CONDUCT OF BUSINESS AND ADDITIONAL FUNCTIONS) (AMENDMENT) BILL, 1966.

Motion to consider.

Sri S. NIJALINGAPPA (Chief Minister).—Sir, I beg to move:

"That the Mysore Public Service Commission (Conduct of Business and Additional Functions) (Amendment) Bill, 1966, be taken into consideration".

MR. SPEAKER—Motion moved:

"That the Mysore Public Service Commission (Conduct of Business and Additional Functions) (Amendment) Bill, 1966, be taken into consideration".

Sri S. NIJALINGAPPA.—Sir, as I submitted already, this is a very simple Bill. The work of the Commission has enormously increased. Therefore, instead of one Secretary, the Government have thought that according to the request made by the Commission, that an Assitant Secretary to the Commission has become very necessary. Therefore so far as correspondence and other things are concerned, the previous Act said that the correspondence must be signed by the Secretary. Now the Assitant Secretary can also sign correspondence and therefore he has also to be mentioned in the Act. Hence this simple amendment.

The Commission will also furnish returns and records and imformation as required by the Government. There is no specific rule or provision of the Act. For this purpose of convenience, it is intended to include the term 'ASSISTANT SECRETARY in the Act.

I hope there will be no objection to it in any quarter and it will be immediately passed.

Sri S. SIVAPPA.—Because we will be considering the Public Service Commission Report, we can have discussion at that stage.

† ಶ್ರೀ ಎಚ್. ಆರ್. ಕೇಶವಮೂರ್ತಿ (ಗಂಡಸಿ).—ಸ್ವಾಮಿ, ಈ ಮಸೂದೆ ಪಬ್ಲಿಕ್‌ಸರ್ವಿಸ್ ಕಮಿಷನ್ನಿಗೆ ಒಬ್ಬ ಸೆಕ್ರೆಟರಿ ಇರುವಾಗ ಅವರೊಬ್ಬರನ್ನು ಪರ್ಸನಲ್ ಅಸಿಸ್ಟೆಂಟ್‌ರನ್ನಾಗಿ ಮಾಡಿಕೊಂಡು ಕೆಲಸ ಮಾಡಬಹುದಾಗಿತ್ತು. ಈ ಕೆಲಸ ನಡೆಯುವುದಕ್ಕೆ ಇನ್ನಾರೋ ಒಬ್ಬ ಆಫೀಸರಿಗೆ ಜಾಗ ಮಾಡಿಕೊಡುವುದಕ್ಕೆ ಇದು ಆಗಿದೆಯೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ಅದು ಸರಿಯಲ್ಲ. ಈಗ ಇರುವ ಅಧಿಕಾರಿಗಳ ಸಂಬಳಕ್ಕೇ ದುಡ್ಡು ಇಲ್ಲ ಬಹಳ ಕಷ್ಟವಿದೆ. ಜನ ಹೇಗೊ ಬಹಳ ಕಷ್ಟಪಡುತ್ತಿರುವಾಗ ಹೆಚ್ಚು ಅಧಿಕಾರಿಗಳನ್ನು ನೇಮಿಸಬೇಕೆಂದು ಹೊರಟಿರುವ ಸರ್ಕಾರದ ನೀತಿಯನ್ನು ನಾನು ವಿರೋಧಿಸಬೇಕಾಗಿದೆ. ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ನಿನ ವರದಿಯನ್ನು ನೋಡಿದರೆ ಅಲ್ಲಿನ ಅಧಿಕಾರಿಗಳಿಗೆ ಎಷ್ಟು ಸಂಬಳವನ್ನು ಕೊಡುತ್ತಿದ್ದಾರೋ ಎಸ್ಟಾಬ್ಲಿಷ್‌ಮೆಂಟಿಗೂ ಅಷ್ಟೆ ಸಂಬಳವನ್ನು

(ಶ್ರೀ ಎಚ್. ಆರ್. ಕೇಶವಮೂರ್ತಿ)

ಕೊಡುತ್ತಿದ್ದಾರೆ. ಸೇಕಡ 50 ರಷ್ಟು ಅಧಿಕಾರಿಗಳಿಗೆ, ಇನ್ನುಳಿದ ಸೇಕಡ 50 ರಷ್ಟು ಎಸ್ಟಾಬ್ಲಿಷ್‌ಮೆಂಟಿಗೆ ಕೊಡುತ್ತಿದ್ದಾರೆ. ಇದು ತುಂಬಾ ಅನ್ಯಾಯ. ಅಧಿಕಾರಿಗಳಿಗೆ, ಸಣ್ಣ ನೌಕರರುಗಳಿಗೆ ಇರುವ ಅಂತರ ಸಾಮಾನ್ಯವಾಗಿ ಕಡಮೆಯಾಗದಿದ್ದರೆ ಪ್ರಜಾಪ್ರಭುತ್ವ ಉಳಿಯುವುದಿಲ್ಲ. ಅದನ್ನು ಸರ್ಕಾರದವರು ಮನಸ್ಸಿನಲ್ಲಿಟ್ಟುಕೊಂಡು ಹೆಚ್ಚು ಹೆಚ್ಚು ಅಧಿಕಾರಿಗಳನ್ನು ನೇಮಕ ಮಾಡದೆ ಸಾಧ್ಯವಾದಷ್ಟು ಕಡಮೆ ಮಾಡುವುದು ಒಳ್ಳೆಯದು ಎಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

† ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಮುಖ್ಯಮಂತ್ರಿಗಳು ಈ ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ನಿನಲ್ಲಿ ಕೆಲಸ ಜಾಸ್ತಿಯಾಗಿದೆ ಎಂದು ಹೇಳಿದರು. ಈಗತಾನೇ ಕೇಂದ್ರದಿಂದ ಒಂದು ಆದೇಶ ಇದೆ, ಅದೇನೆಂದರೆ, ಇನ್ನು ಮುಂದೆ ರೆಕ್ರೂಟ್‌ಮೆಂಟ್ ಬೇಡವೆಂದು. ಅದಕ್ಕೋಸ್ಕರ ಹಣಕಾಸಿನ ಪರಿಸ್ಥಿತಿ ಈಗ ಇಕ್ಕಟ್ಟಿನಲ್ಲಿ ಇರುವಾಗ ಈಗ ಪಬ್ಲಿಕ್‌ಸರ್ವಿಸ್ ಕಮಿಷನ್ನಿನಲ್ಲಿ ಬಹಳ ಕೆಲಸವಿದೆಯೆಂದು ಹೇಳಿ ಯಾರಿಗೋ ತಮಗೆ ಬೇಕಾದವರಿಗೆ ಒಂದು ನೌಕರಿಯನ್ನು ಕೊಡಿಸುವ ಒಂದು ಉದ್ದೇಶದಿಂದ ಈಗ ಈ ಮಸೂದೆಯನ್ನು ತಂದಿದ್ದಾರೆ. ಕೆಲಸ ಹೇಗೆ ಹೆಚ್ಚಾಗಿದೆ, ನಿಜವಾಗಿ ಕೆಲಸ ಅಲ್ಲಿ ಹೆಚ್ಚಾಗಿದೆಯೇ ಎಂದು ನಾನು ಕೇಳುತ್ತೇನೆ. ಇದರಲ್ಲೇನು ಇವರು ಒಂದು ಗೆಜೆಟೆಡ್ ಪೋಸ್ಟ್ ಕ್ರಿಯೇಟ್ ಮಾಡಬೇಕೆಂದು ಹೇಳಿಲ್ಲ. ಈಗಿರತಕ್ಕ ಕೆಲಸಗಳನ್ನು ಈಗಿನ ಸೆಕ್ರೆಟರಿಯವರೇ ಮಾಡಬಹುದು ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಈ ನಭೆಯ ಮುಂಜೂರಾತಿ ಪಡೆದು ಮೂರು ಜನ ಕಮಿಷ್ಟ ಮೆಂಬರುಗಳಿದ್ದುದು ಈಗ ಐದು ಜನರಾದರು. ಕಮಿಷನ್ನಿನ ಮೆಂಬರುಗಳ ಸಂಖ್ಯೆ ಐದು ಜನರಾದ್ದರಿಂದ ಅದಕ್ಕೊಬ್ಬ ಅಸಿಸೆಂಟ್ ಸೆಕ್ರೆಟರಿ ಬೇಕು ಎಂಬುದಾಗಿ ಈಗ ಇವರು ಕೇಳುತ್ತಿದ್ದಾರೆ. ಈ ರೀತಿ ಖರ್ಚು ಮಾಡಿ ತಮಗೆ ಬೇಕಾದವರಿಗೆ ನೌಕರಿ ಕೊಡುವುದಾಗಿದೆ. ಇದು ಒಬ್ಬ ಅಸಿಸ್ಟೆಂಟ್ ಕಮಿಷನರನೋ ?, ತಹಸೀಲ್ದಾರರನ್ನೋ ಅಥವಾ ಒಬ್ಬ ಬಿ.ಡಿ.ಓ. ಅನ್ನು ಇಲ್ಲಿಗೆ ನೇಮಿಸುವುದಲ್ಲ....

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಈಗ ಅಸಿಸ್ಟೆಂಟ್ ಸೆಕ್ರೆಟರಿಗಳು ಇದ್ದಾರೆ. ಅವರಿಗೆ ಈ ಅಧಿಕಾರವನ್ನು ಕೊಡಬೇಕಾಗಿದೆ. ಆದ್ದರಿಂದ ಈ ಕೆಲಸ ಸೆಕ್ರೆಟರಿಯವರಿಂದಲಾಗಲೀ ಅಥವಾ ಅಸಿಸ್ಟೆಂಟ್ ಸೆಕ್ರೆಟರಿಯವರಿಂದಲಾಗಲಿ ನಡೆಯಬಹುದು.

MR. SPEAKER.—A member of the existing staff to be clothed with the power to sign correspondence.

SRI C. J. MUCKANNAPPA.—If there is no fresh appointment we have absolutely no grouse, Sir. It is only a power to be given to the Assistant Secretary to sign papers on behalf of the Secretary. If you are not spending any money on creating any new post, I have no objection. It may be passed.

SRI G. V. GOWDA (Palya).—Sir, so far as delegation of powers is concerned, I have no grievance. But with regard to this new section—17 A, if this is done, Government takes the power to dictate terms, to give direction. Therefore, I fear that the autonomous character of the Commission may be lost. If the Government requests for information, it will be given. I do not know why a direction should be given. I do not know why it should become mandatory. Naturally they will be obliging. It is for them to ask and get information. In my opinion, the inclusion of 17 A is unnecessary. If it is included, the autonomous character will be lost.

MR. SPEAKER.—We will now rise for tea. The House will meet again at 3-30 P.M.

The House rose for Tea at Three of the Clock and reassembled at Thirty five Minutes past Three of the Clock.

[MR. SPEAKER in the Chair].

Sri K. S. SURYANARAYANA RAO. -I stand to oppose Section 17-A of this amending Bill. The reason is this. Possibly the members did not bestow much attention because, the Statement of Objects and Reasons and also the statement made by the Hon'ble Chief Minister mostly centred round the appointment of the Secretary. But this Bill has far-reaching consequence in that it seeks to limit the powers and functions of the Public Service Commission. Sir, according to the amendment. it vests in the Government to call for any records. information. returns and such other report as the Government may demand from the Public Service Commission. The idea is this. The scheme of the Act of the Public Service Commission is such that it is kept outside—if I could use the word--the clutches of the Government in vital matters. One of the important functions of the Public Service Commission is the appointment and regulation as regards service matters. In such matters what should be the relation between the Government and the Public Service Commission is well-defined in the rules as also in this Act. Nowhere in this Act it is stated that the Public Service Commission should submit a report to Government on any matter. The reason is obvious. The Public Service Commission was expected to be and is expected to be an autonomous body with a fair amount of independence and to hav ejurisdiction over its work by itself and not to share it with other bodies. The idea is this. The purpose of constituting the Public Service Commission under the Constitution is to keep the Public Service Commission above approach, above reproach and all that could be conceived by being influenced in any way directly or indirectly. In a democratic set up, I do not wish to blame any particular Government, it is very likely that the appointing authorities are very likely to be influenced. whether for bad or for good. And that is not expected of this Public Commission because it was expected of the Public Service Commission to make all appointments keeping in view certain standards, certain parinciples and on merits of each case. I may bring to the notice of this House that there was a question some time ago as to the respective jurisdiction and the interpretation between judiciary and the Public Service Commission. Sir, the P.S.C. may not see eye to eye with the Executive Government on a particular appointment on merits. and they may hold that a particular person is not entitled to this job and the Government. in their wisdom. may call for a report for their rescinding. As a matter of fact, they may compel them. Otherwise, it is open for the P.S.C. for not making a particular appointment or taking disciplinary action. Supposing, some disciplinary action is to be recommended or is to be rescinded : now, the P.S.C. is not expected to give reasons why they propose to do so. If that is insisted upon by influential persons to get a copy of it or to call for the report of the P.S.C. or to read it berween lines, it will be a worst thing if they do it, to sit in judgment over the judgment of the P.S.C. Sir, this is the worst that could happen. That is not what we expected

(Sri K. S. Suryanarayana Rao)

when we passed this Act because the Public Service Commission should keep its ears and eyes closed to the outside authority except with the work which it is entrusted with. Otherwise, this interference will increase by hundreds tomorrow. Therefore, an independent or dispassionate decision that the Public Service Commission can take will be limited by the amending provision. It goes to the very root of the Constitution of the Public Service Commission. If it is the intention of the Government that the Public Service Commission should be subordinate to the Executive Government, let them say so and amend the Act in a suitable way. But, this is entering by the back door as it were, into the sacred records of the Public Service Commission. We are here to discuss the Public Service Commission Report and the observations will be before us and this House will examine the wisdom of this Government in the light of the observations made by the Public Service Commission. Now, instead of coming before this legislature with all the observations that the Public Service Commission makes, Government wants to circumvent the procedure. Sir, so far as the persons in the Public Service Commission are men of great integrity and persons who can withstand the pulls and pressures, it is all right. But, there may come such members who may yield to this because they are afraid they may get into trouble because the Governmet may be interested in a particular person and a particular Minister may be interested in a particular person. Therefore, the Public Service Commission will have to act to the whims and fancies of the Executive Government; that should not happen. Therefore, this amendment to 17-A is a retrograde step and is an undemocratic step and a step which is not in the interest of healthy democratic set up. I earnestly appeal to the Chief Minister who is piloting this Bill to withdraw this, in his wisdom as a champion of the rights and privileges of not only of this State Government but this country. I believe, he would not have been a party to this if he had bestowed a little attention. I earnestly request him to ponder over and withdraw this amending Bill.

†Sri V. S. Patil (Belgaum I).—Sir, the present amendment to this Bill is not proper. Our powers under the Constitution are very limited. Pubic Service Commission is dealt with under Chaper II *i.e.*, articles 315 to 320. Under article 320, the functions of the Public Service Commission are defined and the legislatures have been given power regarding extension of those functions under article 321. This is the only article under which we can enact now and that too, only to the extent of functions so far as services are concerned. The powers of the legislature are restricted by the wording of the article. And fundamentally, when our Constitution was framed, there was a definite understanding and that understanding has been brought forth in the frame of our Constitution.

Sri, formerly, democracy was based on three pillars that is, judiciary, Legislature and the Executive. But, in our Constitution two more independent bodies have been added *i.e.*, the Controller and Auditor

General of India and the Public Service Commission. All these five Bodies must come into existence but they are not to supersede over the powers of the others. The powers and functions of all these Bodies are defined in the Constitution. My submission is, to curtail the powers already given under the Constitution to the Public Service Commission will not at all be constitutional. This amendment which is proposed to be inserted is likely to be struck down as unconstitutional.

Then, so far as the working of these bodies is concerned, the power is given to the President or the Governor, as the case may be, to make regulations. Even then, I doubt whether we can pass a legislation by which this independent body can be subjugated by the exercise of power by Government. I think, deeper thinking is required in this matter as it involves constitutional rights. That is why I oppose the amendment.

† SRI ANNA RAO GANAMUKHI (Afzalpur).—Sir, this amending clause 17 (A) is not in tune with the spirit of the Constitution and it encroaches upon the powers of the Public Service Commission which as is laid down under the Constitution is bound only to a certain extent to submit reports to the Governor. If we read Art. 323 it is quite clear that :

> "It shall be the duty of the Union Commission to present annully to the President a report as to the work done by the Commission and on receipt of such report the President shall cause a copy there-of together with a memorandum explaning, as respects the cases, if any, where the advice of the Commission was not acepted, the reasons for such non-acceptance to be laid before each House of Parliament.
>
> "It shall be the duty of a State Commission to present annually to the Governor of the State a report as to the work done by the Commission....."

This is the only article which calls upon the Public Service Commission to submit a report of its activities to the Governor. In no article the Government has been given power to call for any records or returns or any paper. Therefore, it would be going against the principle of the Constitution if we enact such a legislation as in clause 17 A . By enacting this provision the Government will become a super-body as it were, on the Public Service Commission. Now, if for any reason such records or any help is needed then the Mysore Public Service Commission Conduct of Business and additional Functions Act provides framing of rules under section 18 in matters which are incidental for the purpose of consultation with the Commission. The Government can frame rules for any information needed for ancillary purposes or incidence to consultation on that matter. Therefore, where is the need to traverse beyond the scope of the Constitution and then enact a legislation which is entirely against the spirit of the Constitutions ? Let us make a distinction between the bodies which have been created by legislation of this House and a body which has been set up as a result of the constitutional provision. If there are

(SRI ANNA RAO GANAMUKHI)

bodies set up as a result of the legislation, then we have powers for calling for any returns, records or information required. But the Public Service Commission which is an autonomous body which has nothing to do except to state the number of members of the Commission who attended the meeting, decision by majority of votes and what will happen if the Chairman is absent, or there is no quorum. How can any intervention by the Government take place and what are the matters in which the Government has to consult the Public Service Commission? These are matters which have been already dealt with by the Mysore Public Service Commission Conduct of Business and Additional Functions Act. Therefore, we have to make a distinction between the bodies created as a result of legislation of this House wherein we can call for such returns and other things and those created as a result of constitutional provisions. As mentioned in the Constitution, the Public Service Commission is bound to submit only reports to the Governor and no record or return of that sort. If for ancillary purposes Government want anything, the rules are there. But the Government has no such power conferred upon it by the Constitution and it will be traversing beyond the powers of this House if we enact a legislation which embodies such a rule like calling for returns, reports, information, etc.

† ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಸಾರ್ವಜನಿಕ ಸೇವಾ ಆಯೋಗದ ನಡವಳಿಕೆಗಳ ಮತ್ತು ಹೆಚ್ಚಿನ ಕಾರ್ಯಕ್ರಮಗಳ ಕಾನೂನನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡುವುದಕ್ಕೆ ಸರ್ಕಾರದವರು ಒಂದು ಅತಿ ಸಣ್ಣ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದಾರೆ. ಎರಡೇ ಮಾತಿನ ತಿದ್ದುಪಡಿ!

ಒಂದು ತಿದ್ದುಪಡಿಯ ಬಗ್ಗೆ ಈಗಾಗಲೇ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಯೋಗ್ಯ ವಿವರಣೆ ನೀಡಿದ್ದಾರೆ; ಸೆಕ್ರೆಟೆರಿಯಿವರ ವಿಷಯು ಅದು; ಅದನ್ನು ನಾನು ಪ್ರಸ್ತಾಪ ಮಾಡವುದಿಲ್ಲ. ಅದರ ಎರಡನೆಯ ವಿಷಯು ಸ್ವಲ್ಪ, ಎಲ್ಲರೂ ವಿಚಾರಣೆ ಮಾಡಬೇಕಾದ ವಿಷಯವೇ ಪ್ರಜಾಪ್ರಭುತ್ವದ ರೀತಿ ನೀತಿಗಳನ್ನು ಒಪ್ಪಿಕೊಂಡು ರಾಜ್ಯಾಂಗ ದತ್ತವಾದ ಅಧಿಕಾರಗಳನ್ನು ಕಾನೂನಿನ ಪ್ರಕಾರ (Rule of Law) ಆಡಳಿತ ನಡೆಸತಕ್ಕದು ಎನ್ನುವ ಮಾತಿನ ಕೆಲವು ಅಂಗಗಳಾಗಿ ಶಾಸನಾಂಗ, ಕಾರ್ಯಾಂಗ, ಇತ್ಯಾದಿ, ಇತ ಯಿಗಳು ಈಗ ಅಸ್ತಿತ್ವದಲ್ಲಿ ಇವೆ. ಈಗ 18 ವರ್ಷಗಳ ನಮ್ಮ ಅನುಭವವನ್ನು ಹೇಳುವಾದರೆ, ಅದು ಕಾಂಗ್ರೆಸ್ಸಿಗರ ಆಡಳಿತ ವಿಷಯದಲ್ಲಿ ಬಹಳ ಕಟುವಾಗಿದೆ, ಮತ್ತು ಎಷ್ಟೋ ಸಲ ಶಂಕೆ ಮತ್ತು ಭಯಕ್ಕೂ ಅವಕಾಶ ನೀಡಿದೆ. ಒಂದು ಮಾತಿನಲ್ಲಿ ಹೇಳುವುದಾದರೆ, ಈ ಕಾಲದಲ್ಲಿ, ತಾನು ತನ್ನಪಕ್ಷ, ತನ್ನ ಅಧಿಕಾರ-ಭದ್ರವಾಗಿ ಮುಂದುವರಿಯುವುದಕ್ಕೆ ಏನೆಲ್ಲ ವ್ಯವಸ್ಥೆಗಳನ್ನು ಮಾಡಿಕೊಳ್ಳಬೇಕೋ, ಅದೆಲ್ಲ ಎಡೆಬಿಡೆಯಿಲ್ಲದೆ ಅವಿರತವಾಗಿ ನಡೆದುಕೊಂಡು ಬಂದಿದೆ!! ಆ ಬಿಸಿಯಲ್ಲಿ ಇದೂ ಒಂದು ಪ್ರಯತ್ನ ಎಂದು ನಾನು ಹೇಳಬಯಸುತ್ತೇನೆ. ಈ ಆಯೋಗ ರಾಜ್ಯಾಂಗದ ಪ್ರಕಾರ ಅಸ್ತಿತ್ವಕ್ಕೆ ಬಂದಿರತಕ್ಕದ್ದಾಗಿದೆ. ಅದು ರಾಜ್ಯಸರ್ಕಾರದ ಕೈಗೊಂಬೆ ಕೈಗೂಸು, ಅಥವಾ ಸೃಷ್ಟಿಯಲ್ಲ. ಆದರೂ ಯಾವಾಗ ಬೇಕಾದರೂ ಮುಖ್ಯ ಮಂತ್ರಿಗಳಾಗಲೀ, ರಾಜ್ಯಸರಕಾರವಾಗಲೀ ಅದನ್ನು ತಿದ್ದುವುದಕ್ಕೆ, ರದ್ದು ಮಾಡುವುದಕ್ಕೆ ಅಥವಾ ಅದರ ಕಾರ್ಯವ್ಯಾಪ್ತಿಯನ್ನು ಮೊಟಕು ಮಾಡುವುದಕ್ಕೆ ಮತ್ತು ಕಾನೂನು ಬಾಹಿರವಾದ ಕಾನೂನುಗಳನ್ನು ಮಾಡುವುದಕ್ಕೆ ಎಂದೂ ಹಿಂಜರಿದಿಲ್ಲ.

4-00 P.M.

ಈ ಮಾತು ಬಹಳ ಸುಸ್ಪಷ್ಟವಾಗಿದೆ. ಎಷ್ಟೋವೇಳೆ ಕ್ಯಾಸೀ ಜ್ಯುಡೀಶಿಯರ್ ಎಂದೂ ಇದ್ದರೂ ಕೂಡ ನಿರೀಕ್ಷಣೆಗೆ ಮೀರಿ ಸರಕಾರ ವರ್ತಿಸಿದ ಅನೇಕ ಸಂದರ್ಭಗಳಿವೆ. ಡಿಸ್ಮಿಸ್ಸಲ್ ಲೆವೆರ್ ರಿಕ್ರೂಟ್‌ಮೆಂಟ್ ಕಮಿಟಿ ಇದೆ, ಸ್ಟೇಟ್ ಲೆವೆರ್ ರಿಕ್ರೂಟ್‌ಮೆಂಟ್ ಕಮಿಟಿ ಇದೆ. ಬಹಳ ಜನರನ್ನು ಕೆಲಸಕ್ಕೆ ಸೇರಿಸಬೇಕಾಗಿದೆ, ಈ ಆಯೋಗ ತಡ ಮಾಡುತ್ತದೆ, ಸಹಸ್ರಾರು ಸಂಖ್ಯೆಯಲ್ಲಿ ಜನರನು

ತೆಗೆದುಕೊಳ್ಳಬೇಕಾಗಿದೆ, ಎಂದು ಕಾರಣ ಕೊಟ್ಟಿದ್ದಾರೆ. ಈ ನೇಮಕ ಮಾಡುವುದಕ್ಕೆ ಯಾರು ಅಧಿಕಾರ ಪಡೆದಿದ್ದಾರೆ ಗೊತ್ತಿಲ್ಲ. ಈ ವ್ಯವಸ್ಥೆ ಕೆಲವು ದಿವಸ ನಡೆಯಿತು. ಆದರೆ ಅದು ಸಾಧ್ಯವಿಲ್ಲ ಎಂದು ಅದನ್ನು ಕೈ ಬಿಡಲಾಯಿತು. ಈ ಸಂದರ್ಭದಲ್ಲಿ ಅನೇಕ ರಿಟ್ ಪಿಟಿಶನ್ಸ್‌ಗಳು ಬಂದು ಸರಕಾರದ ನೀತಿಯನ್ನು ಪ್ರಶ್ನಿಸಲಾಯಿತು. ಈ ಗೊಂದಲ ನಡೆದಿದೆ. ಕತ್ತಾಟ ನಡೆದು ಅಧಿಕಾರ ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡ ಅನೇಕ ಸಂದರ್ಭಗಳಿವೆ. ಹೀಗಿರುವಾಗಲೂ ಕೂಡ ಕಾನೂನು ಬದ್ಧವಾಗಿ ಅವರು ವರದಿ ಕೊಡಲು ಒದ್ದಾಡಿದ್ದಾರೆ. ಅವರು ವರದಿ ಕಳಿಸುತ್ತಾರೆ. ಆ ವರದಿಯ ಮೇಲೆ ಚರ್ಚೆ ಮಾಡುವಂಥ ಅಧಿಕಾರವನ್ನು ಈ ಸಭೆ ಹೊಂದಿದೆ. ಈಗ ಈ ಚಿಕ್ಕ ತಿದ್ದುಪಡಿಯ ಮೂಲಕ ಕಾಗದ ಪತ್ರಗಳನ್ನು ತರಿಸಿಕೊಂಡು ಏನು ಮಾಡಬೇಕು ಎಂಬುದನ್ನು ವಿಚಾರ ಮಾಡಬಹುದು. ಗೃಹ ಮಂತ್ರಿಗಳು ಪ್ರೇಪರ್ಸ್ ಕೇಳುತ್ತಾರೆ ಎಂದು ಹೇಳಿ ಕಾಗದ ಪತ್ರಗಳನ್ನು ಮನೆಗೆ ಕೂಡ ತರಿಸಿಕೊಂಡು ನೋಡಬಹುದು. ಇದು ಏನು ನ್ಯಾಯ? ಈ ಅಧಿಕಾರ ದೊರೆತ ಮೇಲೆ ಅದನ್ನು ಹೇಗೆ ಬಳಸಿಕೊಳ್ಳುತ್ತಾರೆ ಎಂಬುದನ್ನು ನೋಡಬೇಕಾಗಿದೆ. ಇದು ಮೊದಲು ಗೊತ್ತಾಗುವುದಿಲ್ಲ. ತಮ್ಮ ಇಲಾಖೆಯವರು ತಮಗೆ ತಿಳಿಸಿದಷ್ಟು ಸರಳ ಮತ್ತು ನಿರುಪದ್ರವಿ ತಿದ್ದುಪಡಿ ಇದು ಅಲ್ಲ. ಇದರಿಂದ ಹೆಚ್ಚು ಕಡಿಮೆ ಈ ಆಯೋಗವನ್ನು ತಮ್ಮ ವಶವರ್ತಿ ಎಂದರೆ, ಕೈಗೊಂಬೆ ಮಾಡುತ್ತೀರಿ. ಈ ತಿದ್ದುಪಡಿಯ ಒಂದು ಸಣ್ಣ ವಾಕ್ಯದಿಂದ ಎಷ್ಟೋ ಬದಲಾವಣೆ ಯಾಗುತ್ತದೆ. The Commission shall furnish such returns records information as may be required by the Government ಇಷ್ಟು ಸಣ್ಣ ಸರಳ ತಿದ್ದುಪಡಿಯಿಂದ ಯಾವ ಕಾಗದ ಪತ್ರವನ್ನಾದರೂ ತರಿಸಬಹುದು. ಈ ಒಂದು ಸಣ್ಣ ತಿದ್ದುಪಡಿಯಿಂದ ಆಯೋಗದ ಎಲ್ಲಾ ಪವಿತ್ರತೆ ಹೋಗುತ್ತದೆ, ಮಹತ್ವ ಕಳೆದುಕೊಳ್ಳುತ್ತದೆ. ಇದರಿಂದ ಅದರ ಅಸ್ತಿತ್ವವನ್ನೇ ಅಲ್ಲಗಳೆದ ಹಾಗೆ ಆಗುತ್ತದೆ. ಅದರ ಅಧಿಕಾರ ಮೊಟಕು ಮಾಡಿದಂತಾಗುತ್ತದೆ. ಇಷ್ಟೊಂದು ಆದನಂತರ ಬಹುಶಃ ಅವರು ಯಾವುದೇ ಒಂದು ತೀರ್ಮಾನಕ್ಕೆ ಬರುವಾಗ್ಗೆ ಸಂಕಾರವನ್ನು ಕೇಳಿ ಮಾಡಬೇಕಾಗಬಹುದು. ಸರಕಾರ ಹೇಳಿದ ರೀತಿಯಲ್ಲಿ ಕೆಲಸ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಈ ರೀತಿ ಸಂದರ್ಭ ಉಂಟಾಗುವುದರಿಂದ ನ್ಯಾಯ ದೊರಕಿಸಿ ಕೊಡಲು ಆಗುವುದಿಲ್ಲ. ಸರಕಾರದ ಮೇಲೆ ಟೀಕೆ ಮಾಡುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಆದುದರಿಂದ ಇವಕ್ಕೆ ನಾವು ಬೆಂಬಲ ಕೊಡುವುಕ್ಕಾಗುವುದಿಲ್ಲ. ಇದನ್ನು ಒಪ್ಪುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಇದನ್ನು ಒಂದು ವೇಳೆ ಬಹುಮತದ ಬಲದಿಂದ ಅಂಗೀಕಾರ ಮಾಡಿದರೆ ಇವನ್ನು ನಾವು ವಿಚಾರ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಹಬ್ಬ ಹೋದರೂ ಹೋಳಿಗೆ ಹೋಗುವುದಿಲ್ಲ ಎಂದ ಹಾಗೆ ಆಗಿದೆ. ಆದುದರಿಂದ ಪುನಃ ಪುನಃ ಸರ್ಕಾರವನ್ನು ಕೇಳಿ ಕೊಳ್ಳುತ್ತೇನೆ. ಈ ವಿಷಯದಲ್ಲಿ ಸರಕಾರ ಪುನರ್ವಿಮರ್ಶೆ ಮಾಡಲಿ. ಮಾನ್ಯ ಸಚಿವರ ಮೇಲೆ ನನ್ನ ಭಾಷಣದ ಪರಿಣಾಮ ಆಗಿರಬಹುದು ಎಂದು ಅನಿಸುತ್ತದೆ. ಇದನ್ನು ಪುನಃ ವಿಚಾರ ಮಾಡಿ ಇಲಾಖೆಯ ಸಲಹೆ ಪಡೆದು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಕೈ ಬಿಡುವುದಕ್ಕೆ ದೊಡ್ಡ ಮನಸ್ಸುಮಾಡ ಬೇಕು ಎಂದು ಕೇಳಿ ಕೊಳ್ಳುತ್ತೇನೆ.

MR. SPEAKER.—If it is a question of repeating, I may mention that one hour is allotted for this Bill. We have already taken 55 minutes and there are barely five minutes more for the reply. After one hour, normally I will have to apply the gullotine.

(*Interruption*)

This habit of talking so unkindly, so inopportunely without any need is bad. If members have not learnt to avoid such a habit even at the end of the five -year period,.....Anyway, I will extend the time by half an hour now.

Sri S. M. KRISHNA (Maddur).—Sir, I am afraid this particular measure is a sneaking attempt to jeopardise the integrity of the Public Service Commission which has come into being under the Constitution of India. That is why any attempt to change the present balance of power that has been apportioned between the executive, the judiciary and the Legislature and I would go a step further and say the Public Service Commission also, would have far-reaching consequences. All of us concede that the report of the Public Service Commission is entitled to the highes

SRI S. M. KRISHNA)

respect. Apart from the criticisms, when we look at it from this point, that is, that the common man must be reassured that the integrity of the Commission is not going to be tampered, the amendment seems to be very strange. As the amendment looks innocuous and as it was submitted by the Chief Minister that it was a very simple amendment, we had not really given thought to section 17A. But when one considers the repurcussions and the ramifications of the amendment one is constrained to observe that sufficient thought has not been given to this particular proviso in the amending Bill. When we go through the articles that deal with the Public Service Commission in the Constitution of India, it is said that the Public Service Commission shall come into being and it shall do this and it shall not do this, etc. Similarly, the amending Bill also says that the Public Service Commission shall submit to the Government returns or whatever information that the State Government might need from time to time. I am not disputing the fact that the State Government has to be informed about the working of the Public Service Commission as under the existing statute itself there is nothing which prevents the State Government from collecting such information from the Commission and so I fail to understand why the State Government need authority under section 17(A).

MR. SPEAKER.—So the member suggests that all these arguments that it is *ultra vires* etc., are beyond the scope ?

Sri S. M. KRISHNA.—I was coming to that point . The State Government seem to be in unholy haste in trying to commandeer the Public Service Commission. This is the impression that some of us are going to gain when we see an amendment like this coming before this House. I am sure the Chief Minister would not go away with this impression that we oppose this because we want to oppose it. That is not the point. When the Chief Minister clarified the point that there is no question of adding one more gazetted post in the Public Service Commission, then we said that we are not going to dispute the earlier part of the amending Bill. But so far as secrtion 17(A) is concerned, I very respectfully submit through you to the Government Sir, that this needs as Sri K. S. Suryanarayana Rao put it reconsideration on the part of the Government.

SRI K. LAKKAPPA.— this amendment moved by the Chief Minister encroaches upon the rights vested in the Public Service Commission by the Constitution. You were pleased to question the argument that it is *ultra vires* of the Constitution. It amounts to being *ultra vires* of the Constitution because this amending Bill seeks to take away certain powers of the President of India enumerated in the Constitution for the suspension and removal of the member of the Public Service Commissions. So, even the very democratic principles safeguarded by the Constituion by which the Public Service Commission have come to be regarded with the

highest esteem, will be jeopardised by this amending Bill moved by the Chief Minister because the entire Public Service Commission can be tampered.

Mr. SPEAKER.—I would not permit that kind of remark. It is not a happy language to say that the Public Service Commission would be tampered.

SRI K. LAKKAPPA.—This would have far-reaching consequences and there is a danger of their being influenced by those who have the reigns of the country in their hands and so there is a danger of the very purpose for which the Public Service Commission was appointed under the Constitution being taken away by this hasty and not far-sighted amendment. So I would once again request the Government to withdraw this amendment.

† ಶ್ರೀ ಕೆ. ಪಿ. ರೇವಣ್ಣ ಸಿದ್ದಪ್ಪ (ತಿಪಟೂರು).—ಅಧ್ಯಕ್ಷ ಮಹಾಶಯರೇ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ತಂದಿರುವುದರಿಂದ ಅದನ್ನು ಸರ್ಕಾರ ಯಾವ ರೀತಿ ದುರುಪಯೋಗ ಮಾಡುತ್ತದೆ ಎನ್ನುವುದಕ್ಕೆ ಒಂದು ಕಾರಣ ಎಂದರೆ, ಕಮಿಷನ್ ಸದಸ್ಯರನ್ನು ನೇಮಕ ಮಾಡುವಾಗ ನಮ್ಮ ರಾಜ್ಯ ಸರ್ಕಾರ ಸಿಫಾರಸು ಮಾಡುವುದರಿಂದ ಈ ಕಮಿಷನ್ ನೇಮಕವಾಗುತ್ತದೆ. ಈ ಸಂದರ್ಭದಲ್ಲಿ ಚುನಾವಣೆಗಳಲ್ಲಿ ಸೋತ ಮತ್ತು ಹಿಂದೆ ಮೈನೂರು ಸರ್ಕಾರದ ಆಶ್ರಯದಲ್ಲಿ ಇದ್ದಂಥ ಜನರನ್ನು ಸಿಫಾರಸು ಮಾಡಿ ಅವರನ್ನು ಆ ಸ್ಥಾನದಲ್ಲಿ ಕೂಡಿಸಿದ್ದಾರೆ. ಅದರೂ ಅವರು ಇವರಿಗೆ ತಕ್ಕಂತೆ ನಡೆದುಕೊಳ್ಳುವುದಿಲ್ಲ ಎಂದು ಇಂಥ ತಿದ್ದುಪಡಿಯನ್ನು ತರುವುದಾದರೆ ಇದರಲ್ಲಿ ಏನೋ ದುರುಪಯೋಗವಾಗುತ್ತದೆ ಎನ್ನುವ ಅನುಮಾನವಿದೆ. ಇದನ್ನು ತಾವು ಯೋಚನೆ ಮಾಡಬೇಕು ಸ್ವಾಮಿ.

Mr. SPEAKER.—With regard to the constitutional point, I believe that there is considerable confusion brought about by some of the Hon'ble members in their thinking. Article 320 enunciates the functions of the Public Service Commission. Clause (1) definitely lays down the duties, that is, to hold examinations and nothing more. I do not think this amendment is going to interfere with that. Then with regard to clause 3' it is said "may be consulted". So if you do not consult, it is not offending the statute. I am not concerned with the merits or demerits; please do not take it like that. I am only dealing with the point as to whether it is So patently *ultra vires*. I only explained the point because if much time of the House is taken on an *ultra vires* matter, a certain responsibility attaches to me also. With regard to the others also, what is stated is that in regard to matters relating to the method of recruitment it shall be consulted. This amendment does not deal with it. It does not deal (b),(c),(d), and (e). It only provides for certain information being furnished to Government which according to Sri Krishna is already provided for under the existing statute and so it is redundant. If it is redundant, it is not *ultra vires*.

Sri S. NIJALINGAPPA.—Sir, I am grateful to you for clearing many of these doubts. Now, I would like to begin with a quotation of a History Professor of mine. He was referring to the holy Roman Empire and was saying that it was neither holy, nor Roman nor Empire during the last days of its decadence. I also tell my friends that the Government is neither in any unholy haste. nor is it going to grab

(SRI S. NIJALINGAPPA)

more powers; nor the amendment is *ultra vires*. If my friends Sri V. S. Patil and others had just looked into the constitution, they would have been convinced that there is nothing unconstitutional in this. Article 320 of the Constitution merely refers to the appointment of a Commission to advise Government on matters relating to methods of recruitment, etc. In fact it is a recommendatory body, to put it a nutshell. Since it is a recommendatory body, we are not bound by what the Public Service Commission says. In fact, we are helping the Commission. We have given wider scope in their work. We have increased their work and, therefore, my friends will agree that the Assistant Secretary should carry on correspondence. So far as the legal objection is concerned, I do not think it contravenes any of the provisions in the Constitiution. Article 320 of the Constitution relates only to the duties and functions of the Public Service Commission.

Article 321, which my friends quoted, confers power to extend functions of Public Service Commission . We are not intending either to extend or to curtail the powers of the Public Service Commission. So, the reference to that article is irrelevant.

Sri ANNA RAO GANAMUKHI.—Quoted Article 323. Article 323(2) of the Constitution states :

> "It shall be the duty of a State Commission to present annually to the Governor of the State a report as to the work done by the Commmission,....."

It is all right . What is it we are going to do ? What is it we ask them to do ? We are asking them to send certain returns, records and information. Beyond that we do not do anything. I may submit that the intention of the Government was only to be better informed of the working of the Commission so that we may discuss and know where and why we differed from the recommendatory body. These returns and records will be necessary for us. Let us see this Section *vis-a-vis* High Court. The High Court has got much wider powers and bigger powers. It is an independent body, which can even deal with the powers of the Government to frame laws and all that. Section 11 of the Mysore High Court Act may be seen ; it reads as follows :

> "High Court to keep registers.—The High Court shall keep suchregisters, books and accouts as may be necessary for the transaction of the business of the Ccurt and shall forward to the State Government such copies of, or extracts from, the said registers, books and accounts, as well as such statement of the work done in the High Court and in the courts subordinate thereto, as may be required by the State Government."

So, if the High Court has the obligati n to send all its records, and whatever it is, to the Government, I do not understand why this has become unnecessary in the case of the Public Service Commission. It is vey necessary to know how a recommendatory body functions.

(*Sriyuths K. Lakkappa and S. Sivappa intervened*).

I am not going to yield to anybody.

I would refer to Article 246(2) of the Constitution says :

> "Notwithstanding anything in clause (3), Parliament, and subject to clause (1), the Legislature of any State.....also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule....."

Such being the case, I do not understand whether there is any force in the contention of my friend Sri Gopala Gowda. Of course, Sri Gopala Gowda has spoken as usual with him. I don't know how far he has studied law and how much law he knows. However, he considers any stick good enough to beat the Government. I am sure he has an understanding of what is implied in his statement when he spoke of the fundamentals of man and his being. I submit that it is after due consideration that Government have thought of introducing this Bill so that it may be fully informed of what happens in a body, which it has set up and which makes recommendations to the Government. It is quite all right and it is quite within the law. There is nothing *ultra vires* there is nothing objectionable. I have explained all the appoints involved according to the law and I hope the House will accept the amendment.

Sri S. SIVAPPA.—How does the State Government know about the inefficiency of the existing law ? Why do they want a new provision ?

SRI S. NIJALINGAPPA.—The law is growing ; it is a never-ending business. As experience grows, we make laws.

SRI K. LAKKAPPA.—As Articles 320 and 321 do not come within the ambit of this amendment, the Hon. Chief Minister may withdraw it.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ನನ್ನ ಭಾಷಣದ ಬಗ್ಗೆ ವ್ಯಾಖ್ಯಾನಮಾಡಿದ್ದಾರೆ.....

Mr. SPEAKER.—Does not the Hon. Member know that when the Speaker is on his legs, he should not stand and speak.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ನಾನು ಎದ್ದ ಮೇಲೆ ತಾವು ನಿಂತುಕೊಂಡಿರಿ.

Mr. SPEAKER.—First the member may kindly resume his seat. I will put the motion to the vote of the House. The question is :

> "That the Mysore Public Service Commission Conduct of Business and Additional Functions (Amendment) Bill, 1966, be taken into consideration."

The motion was adopted.

CLAUSE.

MR. SPEAKER.—There are no amendments ; not even a small amendment. I will put the clauses to the House. The question is :

"That Clauses 2 to 4 both inclusive, stand part of the Bill."

The motion was adopted.

MR. SPEAKER.—The question is :

"That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

SRI S. NIJALINAGAPPA.—I move :

"That the Mysore Public Service Commission (Conduct of Business and Additional Functions (Amendment) Bill, 1966, be passed."

MR. SPEAKER.—The question is :

"That the Mysore Public Service Commission (Conduct of Business and Additional Functions (Amendment) Bill, 1966, be passed."

The motion was adopted.

MR. SPEAKER.—Next, there is a small explanation which I have to offer to the House. A small unwitting error has crept in the printed Bill. In the next Bill, certain matter that we require to be printed, has not been included, that is the Annexure.

SRI V. S. PATIL.—The Annexure must be supplied. We can have this Bill on the next day.

MR. SPEAKER.—The Members must not feel embarassed. If they cannot have that matter today, I will adjourn it. I suppose it can stand over.

SRI S. NIJALINGAPPA (Chief Minister).—Yes.

MYSORE PREVENTION OF COW SLAUGHTER AND CATTLE PRESERVATION (AMENDMENT) BILL, 1966.

Motion to consider.

†SRI R. M. PATIL (Minister for Development, Panchayat Raj and Municipal Administration).—Sir, I beg to move :

"That the Mysore Prevention of Cow Slaughter and Cattle Preservation (Amendment) Bill, 1966, be taken into consideration"